



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार 21 दिसम्बर, 2012/30 अग्रहायण, 1934

हिमाचल प्रदेश सरकार

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171 001

NOTIFICATION

Shimla, the 15th December, 2012

No. HHC/Admn.16 (15)74-IV.—Hon'ble the Chief Justice, in exercise of the powers vested in him U/S 139(b) of the Code of Civil Procedure, 1908, U/S 297(b) of the Code of Criminal Procedure, 1973 and Rule 5(vi) of the H.P. Oath Commissioners (Appointment & Control) Rules, 2007 has been pleased to appoint Sh. Jatin Thakur, Advocate, Arki as Oath Commissioner at Arki, H.P. for a period of two years, with immediate effect, for administering oaths and affirmations on affidavits to the deponents, under the aforesaid Codes and Rules.

By order,
Sd/-
Registrar General

HIGH COURT OF HIMACHAL PRADEESH AT SHIMLA-171001**NOTIFICATION***Shimla the 17th December, 2012*

No. HHC/GAZ/14-301/2008.—Hon'ble the Chief Justice has been pleased to grant six days' earned leave w.e.f. 17.12.2012 to 22.12.2012 with permission to prefix Sunday falling on 16.12.2012 and to suffix Sunday falling on 23.12.2012 in favour of Shri Nitin Mittal, Civil Judge (Junior Division)-cum-JMIC, Court No. 2, Sundernagar, District Mandi, H.P.

Certified that Shri Nitin Mittal is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Nitin Mittal would have continued to hold the same post of Civil Judge (Junior Division)-cum-JMIC, Court No.2, Sundernagar, District Mandi, H.P., but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar General

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001**NOTIFICATION***Shimla, the 17th December, 2012*

No. HHC/GAZ/14-301/2008.—Hon'ble the Chief Justice has been pleased to grant *ex-post facto* sanction of four days' earned leave w.e.f. 15.11.2012 to 18.11.2012 with permission to prefix 10th to 14th November, 2012 being Second Saturday, Sunday, gazetted holidays and local holiday and 4 days' commuted leave w.e.f. 19.11.2012 to 22.11.2012 in favour of Shri Nitin Mittal, Civil Judge (Junior Division)-cum-JMIC(II), Sundernagar, District Mandi, H.P.

Certified that Shri Nitin Mittal has joined the same post and at the same station from where he had proceeded on leave, after expiry of the above period of leave.

Also certified that Shri Nitin Mittal would have continued to hold the same post of Civil Judge (Junior Division)-cum-JMIC(II), Sundernagar, District Mandi, H.P., but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar General

HIGH COURT OF HIMACHAL PRADESH, SHIMLA**NOTIFICATION***Shimla, the 17th December, 2012*

No. HHC/Admn.3 (150)/80-I.—34 days earned leave on and w.e.f. 29.10.2012 to 01.12.2012 with permission to prefix Sundays and Dussehra holidays from 21.10.2012 to

28.10.2012 and suffix Sunday on 02.12.2012, is hereby sanctioned, ex-post-facto, in favour of Ms. Kamla, Court Master of this Registry.

Certified that Ms. Kamla has joined the same post and at the same station from where she had proceeded on leave after the expiry of the above leave period.

Certified that Ms. Kamla would have continued to officiate the same post of Court Master, but for her proceeding on leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA- 171 001

ORDER

Shimla, the 17th December, 2012

No. HHC/GAZ/14-221/96-Inquiry-2012.—Whereas Shri Padam Singh, Presiding Officer Fast Track Court, Kullu was placed under suspension vide this Registry Office Order No.HHC/GAZ/14-221/96-Inquiry-2012-26767-78 dated 13.9.2012.

Now, on consideration of the representation filed by Shri Padam Singh, Presiding Officer, Fast Track Court, Hon'ble High Court in exercise of the powers conferred by Clause(c) of Sub-rule (5) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, has been pleased to review the suspension pending inquiry and re-instate him in service with immediate effect.

BY ORDER OF THE HON'BLE HIGH
COURT OF HIMACHAL PRADESH
Sd/-
Registrar General.

[Authoritative English Text of this Department Notification No. HFW-B(B)2-4/2011 Dated 20-12-2012 as required under clause (3) of Article 348 of the Constitution of India].

MEDICAL EDUCATION AND RESEARCH DEPARTMENT

NOTIFICATION

Shimla-2, the 20th December, 2012

No. HFW-B(B)2-4/2011.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment & Promotion Rules for the post of Lecturer in Medical Laboratory Technology Class-III (Non-Gazetted) in the department of Bio-Chemistry, Microbiology and Pathology of IGMCI, Shimla under Department of Medical

Education and Research, Himachal Pradesh as per Annexure-A attached to this notification, namely:—

1. Short title and Commencement.—(1) These Rules may be called the Himachal Pradesh, Department of Medical Education and Research for the post of Lecturer in Medical Laboratory Technology Class-III (Non-Gazetted) in the department of Bio-Chemistry, Microbiology and Pathology of IGMC, Shimla, Recruitment and Promotion Rules, 2012.

(2) These Rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

By order,
Sd/-
Principal Secretary (Health).

“ANNEXURE-A”

RECRUITMENT AND PROMOTION RULES FOR THE POST OF LECTURER IN MEDICAL LABORATORY TECHNOLOGY (NON-GAZETTED) CLASS-III, IN THE DIRECTORATE OF MEDICAL EDUCATION & RESEARCH, HIMACHAL PRADESH

- 1. Name of the post.**—Lecturer in Medical Laboratory Technology
- 2. Number of post(s).**—03 (Three) (One each in Pathology, Microbiology and Biochemistry Departments)
- 3. Classification.**—Class-III (Non-Gazetted)
- 4. Scale of Pay.**—(i) *Pay scale for regular incumbents.*—Pay Band ₹10300-34800 + ₹3600/- Grade Pay.
(ii) Emoluments for contract employees ₹13,900/- as per details given in Column 15-A.
- 5. Whether “Selection” post or “Non-Selection” post.**—Non-Selection
- 6. Age for direct recruitment.**—Between 18 and 45 years

Provided that that upper age limit for direct recruits will not be applicable to the candidates already in service of the Government including those who have been appointed on adhoc or on contract basis;

Provided further that if a candidate appointed on adhoc basis or on contract basis had become over-age on the date he/she was appointed as such he/she shall not be eligible for any relaxation in the prescribed age-limit by virtue of his/her such adhoc or contract appointment; Provided further that upper age-limit is relaxable for Scheduled Castes/Scheduled Tribes/Other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government;

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government servants before absorption in Public Sector Corporations/

Autonomous Bodies at the time of initial of such constitutions of such Corporations/Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations/Corporations/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous after initial constitution of the Public Sector Corporations/Autonomous Bodies.

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is/are advertised for inviting application or notified to the Employment Exchanges or as the case may be.

(2) Age and experience in the case of direct recruitment, relaxable at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum educational and other qualifications required for direct recruit(s).—(a) Essential Qualification(s) .—(1) 10+2 with Physics, Chemistry and Biology in second division from a recognized Board of School Education/University.

(2) B.Sc. Medical Laboratory Technology in the concerned subject from Medical College recognized by the Medical Council of India or from the All India Institute of Medical Sciences, New Delhi or from PGIMER, Chandigarh or from other recognized National level Post Graduate Medical Institutes.

(3) (i) For Lecturer in Medical Laboratory Technology in the Department of Biochemistry:—

M.Sc. Medical Laboratory Technology in Medical Biochemistry from Medical College recognized by the Medical Council of India or from the All India Institute of Medical Sciences, New Delhi or from PGIMER, Chandigarh or from other recognized National level Post Graduate Medical Institutes.

(ii) For Lecturer in Medical Laboratory Technology in the Department of Microbiology:—

M.Sc. Medical Laboratory Technology in Medical Microbiology from Medical College recognized by the Medical Council of India or from the All India Institute of Medical Sciences, New Delhi or from PGIMER, Chandigarh or from other recognized National level Post Graduate Medical Institutes.

(iii) For Lecturer in Medical Laboratory Technology in the Department of Pathology:—

M.Sc. Medical Laboratory Technology in Histopathology / Haematology or Cytology from Medical College recognized by the Medical Council of India or from the All India Institute of Medical Sciences, New Delhi or from PGIMER, Chandigarh or from other recognized National level Post Graduate Medical Institutes.

(4) Atleast 03 (three) years working/teaching experience after M.Sc. in the concerned subject/speciality from Medical College(s) recognized by the Medical Council of India or from the All India Institute of Medical Sciences, New Delhi or from PGIMER, Chandigarh or from other recognized National level Post Graduate Medical Institutes.

(b) Desirable Qualification(s).—Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.

8. Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of the promotee(s).—Age.—Not applicable.

Educational Qualification.—Yes, as prescribed in Column No.7 (1), (2) & (3) above

9. Period of probation, if any.—Two years' subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.

10. Method(s) of recruitment, whether by direct recruitment or by promotion, deputation, transfer and the percentage of post(s) to be filled in by various methods.—100% by direct recruitment on regular basis or by recruitment on contract basis as the case may be failing which by transfer failing both by promotion.

11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/ deputation/transfer is to be made.—By transfer (strictly on the basis of seniority) from amongst the Chief Laboratory Technicians subject to possessing of essential qualifications prescribed for direct recruitment against Column No.7 (1), (2) & (3) with 12 (twelve) years regular service or regular combined with continuous adhoc service rendered, if any, as Chief Laboratory Technician and Senior Laboratory Technician combined failing which by promotion from amongst the Senior Laboratory Technician subject to possessing of essential qualifications prescribed for direct recruitment against Column No.7 (1), (2) & (3) above with 12 (twelve) years' regular service or regular combined with continuous adhoc service rendered, if any, in the grade failing both by promotion from amongst the Senior Laboratory Technicians subject to possessing of essential qualifications prescribed for direct recruitment against Column No.7 (1), (2) & (3) above with 17 (seventeen) years regular service or regular combined with continuous adhoc service rendered, if any, as Senior Laboratory Technician and Laboratory Assistant combined failing all by promotion from amongst the Laboratory Assistants subject to possessing of essential qualifications prescribed for direct recruitment against Column No.7 (1), (2) & (3) above with 17 (seventeen) years regular service or regular combined with continuous adhoc service rendered, if any, as grade.

A (I) Provided that for the purpose of promotion every employee shall have to serve at least one term in the Tribal / Difficult areas subject to adequate number of post(s) available in such areas;

Provided further that the proviso (I) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation.

Provided further that Officers/Officials who have not served atleast one tenure in Tribal/ Difficult area shall be transferred to such area strictly in accordance with his/her seniority in the respective cadre.

Explanation-I.—For the purpose of proviso I supra the “term” in Tribal/Difficult areas” shall mean normally three years or less period of posting in such areas keeping in view the administrative requirements and performance of the employee.

Explanation-II.—For the purpose of proviso I supra the Tribal/Difficult Areas shall be as under:—

1. District Lahaul & Spiti.
2. Pangi and Bharmour Sub Division of Chamba District.
3. Dodra Kwar Area of Rohru Sub-Division.

4. Pandrah Bis Pargana, Munish Darkali and Gram Panchayat Kashapat, Gram Panchayats of Rampur Teshil of District Shimla.
5. Pandrah Bis Pargana of Kullu District.
6. Bara Bhangal Areas of Baijnath Sub Division of Kangra District.
7. District Kinnaur.
8. Kathwar and Korga Patwar Circles of Kamrau Sub Tehsil, Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmaur District.
9. Khanyol-Bagra Patwar Circle of Karsog Tehsil, Gada-Gussaini, Mathyani, Ghanyar, Thachi, Baggi, Somgad and Kholanal of Bali-Chowki Sub Tehsil, Jharwar, Kutgarh, Graman, Devgarh, Trailla, Ropa, Kathog, Silh-Badhwani, Hastpur, Ghamrehar and Bhatehar Patwar Circle of Padhar Tehsil, Chiuni, Kalipar, Mangarh, Thach-Bagra, North Magru and South Magru Patwar Circles of Thunag Tehsil and Batwara Patwar Circle of Sunder Nagar Tehsil in Mandi District.

(1) In all cases of promotion, the continuous adhoc service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these Rules for promotion subject to the condition that the adhoc appointment/promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R&P Rules;

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on adhoc basis, followed by regular service/appointment) in the feeder post in view of the provision referred to above, all persons senior to him / her in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration;

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years' or that prescribed in the R&P Rules for the post, whichever is less;

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him/her shall also be deemed to be ineligible for consideration for such promotion;

Explanation.—The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be Ex-Servicemen recruited under the provisions of Rule-3 of the Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal State Non-Technical Service) Rules, 1972 and having been given the benefit of seniority there-under or recruited under the provisions of Rule-3 of the Ex-Serviceman (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there-under.

(2) Similarly, in all cases of confirmation, adhoc service rendered on the feeder post, if any, prior to the regular appointment/promotion against such post shall be taken into account towards the length of service, if the adhoc appointment/promotion had been made after proper selection and in accordance with the provision of the R&P Rules.

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition?.—As may be constituted by the Government from time to time.

13. Circumstances under which the H.P.P.S.C. is to be consulted in making recruitment.—As required under the Law.

14. Essential requirement for a direct recruitment.—A candidate for appointment to any service or post must be a citizen of India.

15. Selection for appointment to post by direct recruitment.—Selection for appointment to the post in the case of direct recruitment shall be made on the basis of viva-voce test if the Himachal Pradesh Public Service Commission or other recruiting authority, as the case may be, so consider necessary or expedient by a written test or practical test, the standard/syllabus etc. of which will be determined by the Commission/other recruiting authority, as the case may be.

15-A. Selection for appointment to the post by contract appointment.—Notwithstanding anything contained in these Rules, contract appointments to the post will be made subject to the terms and conditions given below:—

(I) CONCEPT.—(a) Under this policy the Lecturer in Medical Laboratory Technology in the concerned Department, in the Department of Medical Education & Research, H.P., will be engaged on contract basis initially for one year; which may be extendable on year-to-year basis.

Provided that for extension/renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be renewed/extended.

(b) POST FALLS WITHIN THE PURVIEW OF HPSSSB.—The Director, Medical Education & Research, H.P. after obtaining the approval of the Government to fill up the vacant posts on contract basis will place the requisition with the concerned recruiting agency i.e. Himachal Pradesh Subordinate Services Selection Board, Hamirpur.

(c) The selection will be made in accordance with the eligibility conditions prescribed in these R&P Rules.

(II) CONTRACTUAL EMOLUMENTS.—The Lecturer in Medical Laboratory Technology in the concerned Department appointed on contract basis will be paid consolidated fixed contractual amount @ ₹ 13,900/- per month (which shall be equal to minimum of the pay band + grade pay). An amount of ₹ 417/- (3% of the minimum of pay band + grade pay of the post) as annual increase in contractual emoluments for the subsequent year(s) will be allowed if contract is extended beyond one year.

(III) APPOINTING/DISCIPLINARY AUTHORITY.—The Director, Medical Education & Research, H.P. will be the appointing and disciplinary authority.

(IV) SELECTION PROCESS.—Selection for appointment to the post in the case of contract appointment will be made on the basis of viva-voce test or if consider necessary or expedient by a written test or practical test, the standard/syllabus etc. of which will be determined by the concerned recruiting agency i.e. Himachal Pradesh Subordinate Services Selection Board, Hamirpur.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS.—As may be constituted by the concerned recruiting agency i.e. the Himachal Pradesh Subordinate Services Selection Board, Hamirpur from time to time.

(VI) AGREEMENT.—After selection of a candidate, he/she shall sign an agreement as per Annexure-B appended to these Rules.

(VII) TERMS AND CONDITIONS.—(a) The contractual appointee will be paid fixed contractual amount @ ₹ 13,900/- per month (which shall be equal to minimum of pay band + grade pay). The contract appointee will be entitled for increase in contractual amount @ ₹ 417/- (3% of the minimum of the pay band + grade pay of the post) for further extended years and no other allied benefits such as senior/selection scales etc. will be given.

(b) The service of the contract appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found satisfactory.

(c) Contract appointee will be entitled for oneday's casual leave after putting one-month service. However, the contract employees will also be entitled for 12 weeks Maternity leave and 10 day's Medical Leave. He/She shall not be entitled for Medical Reimbursement and LTC etc. No leave of any other kind except above is admissible to the contract appointee.

Provided that the un-availed Casual Leave and Medical Leave can be accumulated upto the Calendar Year and will not be carried forward for the next Calendar Year.

(d) Unauthorized absence from the duty without the approval of the Controlling Officer shall automatically lead to the termination of the contract. Contract appointee shall not be entitled for contractual amount for the period of absence from duty.

(e) An official appointed on contract basis who has completed five years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.

(f) Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. Women candidate pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidate will be re-examined for the fitness from an authorized Medical Officer/Practitioner.

(g) Contract appointee will be entitled to TA/DA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular counterpart official at the minimum of pay scale.

(h) Provisions of service rules like FR SR, Leave Rules, GPF Rules, Pension Rules & Conduct Rules etc. as are applicable in case of regular employees will not be applicable in case of contract appointees. They will be entitled for emoluments etc. as detailed in this column.

16. Reservation.—The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Other Backward Classes/other categories of persons issued by the Himachal Pradesh Government from time to time.

17. Departmental Examination.—Not applicable

18. Power to relax.—Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission relax any of the provision(s) of these Rules with respect to any Class or Category of person(s) or post(s).

Form of contract/agreement to be executed between the -----& the Government of Himachal Pradesh through Director, Medical Education and Research, H.P.

This agreement is made on this.....day of...in the year.....Between Sh/SmtS/o/D/oShri.....R/o....., contract appointee (hereinafter called the FIRST PARTY), AND The Governor, Himachal Pradesh through Director, Medical Education and Research, Himachal Pradesh (here-inafter called the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a..... (name of post) on contract basis on the following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a (Name of the post) for a period of one year commencing on day of.....and ending on the day of..... It is specifically mentioned and agreed upon by both the parties that the contract of the..... FIRST PARTY with SECOND PARTY shall ipso-facto stand terminated on the last working day i.e. on..... And information notice shall not be necessary:

Provided that for extension/renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee was satisfactory during the year and only then his period of contract is to be renewed/extended.

2. The contractual amount of the FIRST PARTY will be Rs.13,900/- Per Month The contract appointee will be entitled for increase in contractual amount @ ₹ 417/- (3% of the minimum of the pay band + grade pay of the post) for further extended years.
3. The service of FIRST PARTY will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found good or if a regular incumbent is appointed/posted against the vacancy for which the first party was engaged on contract.
4. Contractual..... (name of the post) will be entitled for one day casual leave after putting in one month service. However, the contract employee will also be entitled for 12 weeks Maternity Leave and 10 days medical Leave. He/She shall be entitled for Medical Re-imbursement and LTC etc. No leave of any kind except above is admissible to the contract appointee. Provided that the un-availed Casual Leave and Medical Leave can be accumulated upto the Calender Year and will not be carried forward for the next Calender Year.
5. Unauthorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. A contractual.....(name of the post) will not be entitled for contractual amount for the period of absence from duty.
6. An official appointed on contract basis who have completed five years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.

7. Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. In case of women candidates pregnant beyond twelve weeks will render her temporarily unfit till the confinement is over. The women candidate should be re-examined for fitness from an authorized Medical Officer/practitioner.
8. Contract appointee shall be entitled to TA/DA if required to go on tour in connection with his official duties at the same rate as applicable to regular counter-part official at the minimum of the pay scale.
9. The Employees Group Insurance Scheme as well as EPF/GPF will not be applicable to the contractual appointee (s).

IN WITNESS the FIRST PARTY AND SECOND PARTY have herein to set their hands the day, month and year first, above written.

IN THE PRESENCE OF WITNESS:

1.....

 (Name and Full Address)

(Signature of the FIRST PARTY)

2.

 (Name and Full Address)

IN THE PRESENCE OF WITNESS:

1.....

 (Name and Full Address)

(Signature of the SECOND PARTY)

2.

 (Name and Full Address)

MUNICIPAL CORPORATION SHIMLA

NOTIFICATION

Dated: 18th December, 2012

No. MCS/MA/1245/Govt./12-5098.—The following amendment in the Shimla Municipal Corporation (Facilities to Mayor, Deputy Mayor and Councillors) Bye-Laws, 1996 made by the Municipal Corporation, Shimla in exercise of the powers conferred by clause (6) of Part I of section

395, read with section 35 and sub-section (3) of section 36 of the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994) are hereby published for General information as required under section 397 of the said Act and shall come into force within the area of Municipal Corporation Shimla from the date of publication of this notification in the Rajpatra (extra ordinary) Himachal Pradesh, namely:—

1. Short title.—These Bye-Laws may be called the Shimla Municipal Corporation(Facilities to Mayor, Deputy Mayor and Councillors) (Amendment) Bye-Laws, 2012.

2. Amendment of Bye-Laws 3.—In Bye Laws 3 for the figure “2400” and “1500”, the figure “5000” and “3500”, shall respectively be substituted.

3. Amendment of Bye-Laws 9.— In Bye-Laws 9 for the figure “1200”, the figure “2400” shall respectively be substituted.

4. Saving. The facilities given to Mayor, Deputy Mayor and Councillors during the period from 1.4.2008 till the commencement of these Bye Laws shall be deemed to have been given/ provided as if bye laws 3,4,5,6,7,8 and 9 were in force on the day when such facilities were given and availed of.

By order,
Sd/-
Commissioner,
Municipal Corporation, Shimla.

विधि विभाग

अधिसूचना

शिमला-2, 20 दिसम्बर, 2012

संख्या एल0एल0आर0-डी0(6)-8/2010-लेज.—भारत के राष्ट्रपति, भारत के संविधान के अनुच्छेद 201 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 24-11-2012 को अनुमोदित हिमाचल प्रदेश अभिवृत्ति और भूमि सुधार (संशोधन) विधेयक, 2010 (2010 का विधेयक संख्यांक 6) को वर्ष 2012 के अधिनियम संख्यांक 34 के रूप में संविधान के अनुच्छेद 348(3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई-राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,
कर्म सिंह चन्देल,
सचिव (विधि)।

2012 का अधिनियम संख्यांक 34

हिमाचल प्रदेश अभिवृत्ति और भूमि सुधार (संशोधन) अधिनियम, 2010

(माननीय राष्ट्रपति महोदय द्वारा तारीख 24 नवम्बर, 2012 को यथाअनुमोदित)

हिमाचल प्रदेश अभिवृत्ति और भूमि सुधार अधिनियम, 1972 (1974 का 8) का और संशोधन करने के लिए अधिनियम।

भारत गणराज्य के इकसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

1. **संक्षिप्त नाम.**—इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश अभिधृति और भूमि सुधार (संशोधन) अधिनियम, 2010 है।

2. **धारा 2 का संशोधन.**—हिमाचल प्रदेश अभिधृति और भूमि सुधार अधिनियम, 1972 (1974 का 8) (जिसे इसमें इसके पश्चात् “मूल अधिनियम” कहा गया है) की धारा 2 के खण्ड (18) के पश्चात् निम्नलिखित खण्ड अन्तःस्थापित किया जाएगा, अर्थात्:—

“(18—क) “ग्रामीण कारीगर” से ऐसा व्यक्ति अभिप्रेत है, जिसके पास कोई कृषि भूमि नहीं है और जिसकी जीविका का मुख्य साधन पारम्परिक औजारों, उपकरणों और कृषि प्रयोजनों या उनके आनुषंगिक प्रयोजनों के लिए उपयोग में आने वाली वस्तुओं या चीजों का उत्पादन या उनकी मरम्मत करना है और इसके अन्तर्गत ऐसा व्यक्ति भी है जो ग्रामीण क्षेत्र में या तो स्वयं के श्रम द्वारा या अपने परिवार के सदस्यों के श्रम की सहायता से शिल्प (क्राफ्ट) का व्यवसाय करके सामान्यतः अपनी जीविका अर्जित करता है और जिसकी वार्षिक पारिवारिक आय गरीबी रेखा से नीचे रहने वाले व्यक्तियों के लिए नियत आय सीमा से अधिक न हो; और”।

3. **धारा 30 का संशोधन.**—मूल अधिनियम की धारा 30 की उपधारा (1) में प्रथम परंतुक के स्थान पर निम्नलिखित परंतुक रखा जाएगा, अर्थात्:—

“परंतु पूर्वोक्त खण्ड (घ) के अन्तर्गत आने वाले भू-स्वामी की दशा में पट्टा, राजस्व अधिकारी द्वारा रजिस्ट्रीकृत पट्टा विलेख के माध्यम से पांच वर्ष से अनधिक अवधि के लिए अनुज्ञात किया जाएगा, तत्पश्चात् इसे, यदि व्यक्तिगत रूप से इसे जोतने (खेती करने) की उसकी असमर्थता या निःशक्तता बनी रहती है, उतनी अवधि के लिए नवीकृत किया जा सकेगा, जितनी के लिए इसे प्रारम्भ में अनुज्ञात किया गया था;”।

AUTHORITATIVE ENGLISH TEXT

Act No. 34 of 2012

**THE HIMACHAL PRADESH TENANCY AND LAND REFORMS (AMENDMENT)
ACT, 2010**

(AS ASSENTED TO BY THE PRESIDENT ON 24TH NOVEMBER, 2012)

AN

ACT

further to amend the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (Act No. 8 of 1974).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-first Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Himachal Pradesh Tenancy and Land Reforms (Amendment) Act, 2010.

2. Amendment of section 2.—In section 2 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972, (8 of 1974) (hereinafter referred to as the “principal Act”), after clause (18), the following clause shall be inserted, namely:—

“(18-A). “village artisan” means a person who does not hold any agricultural land and whose principal means of livelihood is production or repair of traditional tools, implements and articles or things used for agriculture purposes or purposes ancillary thereto and also a person who normally earns his livelihood by practicing a craft either by his own labour or by the help of the labour of the members of his family in the rural area and whose annual house hold income does not exceed the income limit fixed for the persons living below poverty line; and”.

3. Amendment of section 30.—In section 30 of the principal Act, in sub-section (1), for the first proviso, the following proviso shall be substituted, namely:—

“Provided that in case of land-owner covered by clause (d) above, lease shall be allowed by the Revenue Officer for a term not exceeding five years through a registered lease deed, which may subsequently be renewed for a period equivalent to the term for which it was allowed initially, in case his inability or disability to cultivate it personally subsists:”.

ब अदालत श्री माया राम शर्मा, सहायक समाहर्ता (द्वितीय श्रेणी) उप तहसील ददाहू, जिला सिरमौर,
हिमाचल प्रदेश

ब मुकद्दमा :

श्री बाबू राम पुत्र श्री बेली राम, निवासी लुहली, ग्राम पंचायत थाना कसोगा, उप-तहसील ददाहू, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

आम जनता

श्री बाबू राम पुत्र श्री बेली राम, निवासी लुहली, ग्राम पंचायत थाना कसोगा, उप-तहसील ददाहू, जिला सिरमौर, हिमाचल प्रदेश ने इस अदालत में एक प्रार्थना-पत्र प्रस्तुत किया है कि उसकी जन्म तिथि पंचायत रिकार्ड में 1962 दर्ज है। जो सही नहीं है। परन्तु स्कूल प्रमाण-पत्र के मुताबिक प्रार्थी की जन्म तिथि 29-1-1966 है जो सही है। जिसकी पुष्टि हेतु प्रार्थी ने स्कूल प्रमाण-पत्र की नकल, परिवार रजिस्टर की छाया प्रति व अपना ब्यान हल्फिया संलग्न किया है। जिसकी दुरुस्ती हेतु पंचायत रिकार्ड में अपनी जन्म तिथि 29-1-1966 दर्ज करवाना चाहता है।

अतः इस नोटिस द्वारा समस्त जनता ग्राम लुहली व प्रार्थी के समस्त रिश्तेदारों को सूचित किया जाता है कि यदि किसी को भी प्रार्थी की जन्म तिथि 29-1-1966 ग्राम लुहली पंचायत थाना कसोगा, उप तहसील ददाहू, जिला सिरमौर, हिमाचल प्रदेश में दर्ज करने बारे उजर व एतराज हो तो वह इस अदालत में असागतन व वकालतन हाजिर हो कर दर्ज करवा सकता है। राजपत्र में प्रकाशित की तिथि से एक माह के अन्दर कोई आपत्ति न होने की सूरत में प्रार्थना-पत्र श्री बाबू राम पर नियमानुसार कार्यवाही अमल में लाई जाएगी।

आज दिनांक 4-9-2012 को मेरे हस्ताक्षर व कार्यालय मोहर द्वारा जारी किया गया।

मोहर।

माया राम शर्मा,
सहायक समाहर्ता (द्वितीय श्रेणी),
उप तहसील ददाहू, जिला सिरमौर, हिमाचल प्रदेश।